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Paper No. 7

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
Pintz et al.
Application No. 09/476,698
Filed: January 3, 2000
For: SUBPICTURE DECODING
ARCHITECTURE AND METHOD

DECISION
ON PETITION

This is a decision on the communication filed by the Applicant August 28, 2003, which is being treated as a petition to withdraw the holding of abandonment under 37 CFR § 1.181(a). No fee is required.


The application was abandoned for failure to timely file a proper reply to the non-final Office action mailed June 28, 2001. A Notice of Abandonment was mailed April 23, 2002.

Petitioner asserts that a proper response to the non-final Office action was timely filed. To support this position, Petitioner has included with the petition a copy of a date stamped mailroom receipt, indicating USPTO receipt of the response on January 22, 2002. The postcard dated December 26, 2001, itemizes the Amendment Transmittal Form, Fee Transmittal, Petition for Extension of Time (Three months), Amendment. Petitioner submitted a copy of these itemized documents along with the petition.

The original papers filed were not matched with the file and cannot be located. However, M.P.E.P. 503 states, "[a] postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the papers were timely filed in the Patent and Trademark Office but not matched with the application file. In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED**.

The application will be forwarded to Technology Center's technical support staff for processing the copy of extension of time, and to enter the amendment. From there, the file will be forwarded to the examiner for examination in due course.


Allen MacDonald, Director
Technology Center 2600
Communications